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UNCLAS ROME 004641

SIPDIS

SENSITIVE

PASS USTR FOR JIM SANFORD;  
USEU FOR STEVE CRISTINA, CHRIS WILSON

E.O. 12958: N/A

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SUBJECT: HEALTH MINISTRY THREATENS TOOTHPASTE SEIZURES OVER  
CLAIMS TO PREVENT CAVITIES

REF: A. SANFORD/MILLIKEN 10/8 TELCON

(U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED. INCLUDES  
BUSINESS CONFIDENTIAL INFORMATION. NOT FOR INTERNET  
DISTRIBUTION.

1. (SBU) SUMMARY: ITALY'S HEALTH MINISTRY IS THREATENING TO  
SEIZE COLGATE PALMOLIVE AND OTHER TOOTHPASTE BRANDS THAT  
CLAIM TO PREVENT CAVITIES. THIS ACTION IS APPARENTLY BASED ON  
THE MINISTRY'S INTERPRETATION OF THE EU COSMETICS DIRECTIVE.  
THE ARGUMENT IS THAT, BY CLAIMING TO PREVENT CAVITIES, THESE  
PRODUCTS ARE MAKING MEDICINAL CLAIMS NOT PERMITTED TO  
COSMETIC PRODUCTS (AS TOOTHPASTE IS NOW CLASSIFIED). THE  
MILAN PUBLIC PROSECUTOR'S OFFICE IS CONDUCTING CRIMINAL  
INVESTIGATIONS OF THE FIRMS. WE HAVE REQUESTED TO MEET WITH  
HEALTH MINISTRY OFFICIALS AND WILL BE IN CLOSE CONTACT WITH  
INDUSTRY. END SUMMARY.

2. (SBU) COLGATE PALMOLIVE ITALY PRESIDENT DANIEL VETTORETTI  
AND LEGAL COUNSEL ENRICO DE TOMA INFORMED EMBOFFS OCTOBER 7  
THAT THE ITALIAN MINISTRY OF HEALTH IS THREATENING TO SEIZE  
COLGATE TOOTHPASTE IN ITALY WITHIN THE NEXT FEW DAYS. THE  
HEALTH MINISTRY LETTER TO COLGATE STATES THAT THE TOOTHPASTE  
IS "PRESENTED AS A MEDICINAL PREPARATION AS IT CLAIMS  
CURATIVE OR PROPHYLACTIC PROPERTIES AGAINST HUMAN DISEASE".  
THE LETTER REFERENCES THE MILAN PROSECUTOR'S OFFICE AS  
WORKING ON A CRIMINAL CASE AGAINST COLGATE PALMOLIVE FOR THE  
SAME REASONS.

3. (SBU) DE TOMA (ALSO EXECUTIVE DIRECTOR OF UNIPRO, THE  
ASSOCIATION OF ITALIAN COSMETIC MANUFACTURERS) TOLD SCIENCE  
COUNSELOR OCTOBER 8 THAT COLGATE PALMOLIVE IS NOT ALONE.  
OTHER FIRMS, INCLUDING JOHNSON AND JOHNSON, PROCTER AND  
GAMBLE, UNILEVER, GLAXO SMITH KLINE AND AT LEAST TWO ITALIAN  
FIRMS HAVE ALL RECEIVED VIRTUALLY THE SAME LETTER. UNIPRO  
WILL MEET OCTOBER 13 IN MILAN TO DISCUSS HOW TO RESPOND TO  
THIS THREAT. ONE OPTION WOULD BE TO REQUEST AN INJUNCTION  
FROM THE TAR (ADMINISTRATIVE COURT). HOWEVER, GIVEN THE  
CRIMINAL INVESTIGATION, DE TOMA SAID THAT AN INJUNCTION  
REQUEST MIGHT HAVE LESS THAN A 50/50 CHANCE OF SUCCESS.

4. (SBU) WE HAVE REQUESTED TO MEET -- ON AN URGENT BASIS --  
WITH SENIOR HEALTH MINISTRY OFFICIALS REGARDING THE CASE. WE  
REMAIN IN CLOSE TOUCH WITH INDUSTRY, AND WILL COORDINATE ON  
NEXT STEPS.  
SEMBLER

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